

The IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KEVIN CHARLES JOHNSON,	)	4:09CV3063
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
NEBRASKA DEPARTMENT OF	)	
CORRECTIONAL SERVICES,	)	
ROBERT HOUSTON, and FRED	)	
BRITTEN,	)	
	)	
Respondents.	)	

The Petitioner has filed a Petition for Writ of Habeas Corpus under [28 U.S.C. § 2254](#) (filing no. [1](#)), a Motion for Leave to Proceed in Forma Pauperis (filing no. [2](#)), and a copy of his institutional trust account statement (filing no. [5](#)).

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). However, pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#), and after considering the Petitioner's financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted and the Petitioner is relieved from paying the fee at this time.

IT IS THEREFORE ORDERED that:

The Motion for Leave to Proceed in Forma Pauperis (filing no. [2](#)) is provisionally granted and the Petitioner will not be required to pay the \$5.00 fee at this time.

Dated April 14, 2009.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge